

Milford Upper Charles Trail Committee

Meeting Minutes

A meeting of the Milford Upper Charles Trail Committee was held on Tuesday, May 9, 2023. Reno DeLuzio being in the chair called the meeting to order at 7:15 p.m.

Present at the meeting were six members: Reno DeLuzio, Henry Papuga, Elaine Capuzziello, Jeff Howard, Frank Pirrello, and Joseph Arcudi. Absent from the meeting were two members: Brian Murray and Frank Malangone. Gary Sanborn (143 Walden Way) was present.

Chairman DeLuzio announced that the meeting was being audio recorded and asked if anyone had objection. Hearing no objection, the meeting was recorded.

1. Electric Bicycles Proposed Regulations - Public Hearing

Chairman DeLuzio opened the public hearing at 7:02 p.m. and read the public notice. He handed out copies of the proposed regulations and read them. He then requested public comment. Mr. Sanborn spoke in favor of the regulations. He and his wife ride the Milford Upper Charles Trail very often. He cited an increasing number of E-Bikes on the trail and did not experience any problems. His wife has an E-Bike and finds it very helpful in keeping up with him. He noted the National Park System allows the use of E-Bikes on their trails.

No other members of the public being present, Chairman DeLuzio closed the public testimony segment of the hearing. However, Chairman DeLuzio granted Mr. Papuga's request to speak on behalf of two Milford residents could not attend the hearing. One person asked if the E-bikes have a maximum speed limit and does the trail have a maximum speed limit. Mr. Papua will forward the 20 mph E-Bike speed limit and 15 mph bike trail speed limit information to that person. The second person reported an incident where his wife, who regularly walks on the trail, had nearly been struck by an E-biker who did not announce his approach. He was against the use of E-Bikes on the bike trail. The Chairman then requested comments from the Committee.

Mr. Howard commented that in his experience bicyclists of any sort do not always behave as expected. Improper behavior is an issue but not limited to E-Bikes. Mrs. Capuzziello reiterated Mr. Howard's experience. Mr. Papuga asked if there were passing rules. Chairman DeLuzio noted there are trail rules signs posted at various locations on the trail. Hearing no further comments, a motion was made by Mr. Papuga, seconded by Mr. Pirrello to close the public hearing. Passed unanimously.

[Chairman DeLuzio will prepare the Public Hearing Report and file it with the Town Clerk]

The regular meeting of the MUCT Committee was called to order by Chairman Deluzio at 7:12 PM.

2. Approve the previous meeting minutes.

The March 21, 2023 meeting minutes were approved as presented.

Invitation to speak.

There were no longer any members of the public present.

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3. Warrant Article 21-Proposed Amendment to General By-Law Article 34 regarding Electric Bicycles.

Chairman DeLuzio reported on two events since the last meeting:

a) He had a meeting with Milford's Deputy Police Chief, who was speaking on behalf of the department, regarding the proposed amendment. He reported that the Police Department prefers E-Bikes not be allowed on the bike trail.

b) He reviewed Article 21 with the Finance Committee. They voted favorably on the Article.

Chairman DeLuzio handed out his Town Meeting presentation draft (which addresses the Police Department's position) for the Committee's consideration (see attachment). He went through it with the Committee. Suggested changes: (1) Add Milford Upper Charles Trail Committee support to the list of other supporters. (2) Change "By-Law" to "existing By-Law" in Police Dept. section Inquiry 3.

Chairman DeLuzio will remove Inquiry 6 (extraneous information) if he does not brief the Select Board on the East Coast Greenway initiative before Town Meeting.

4. Old Cedar St. discontinuance/relocation support letter.

Chairman DeLuzio became aware that the Select Board amended Warrant Article 11 of the May 22, 2023 ATM since the Committee's last meeting. Warrant Article 12 remained unchanged. Since the Committee's support letter to the Select Board was based on the original version of Article 11, he thought it prudent to bring it back to the Committee for reconsideration. After reviewing the changes made to Article 11, the consensus of the Committee was that the original support letter remains applicable.

5. Suggested trail improvements report (Mr. Papuga)

Mr. Papuga researched 8 of the 12 trail improvements suggested by Mr. Wheelock at the Committee's February 14th meeting and discussed at the Committee's March 21st meeting (Ref: March 21st meeting minutes.) Mr. Papuga provided maps for each Inquiry and described each suggested improvement. Taken individually:

Inquiry #2 - Expand the Trail from Old Cedar Street to Clark Island.

Mr. Papuga was in favor of this suggestion and recommended further study by a future MUCT Committee. There were no objections to this suggestion and Mr. Papuga's recommendation for further study.

Inquiry #3 - Improve trail access by negotiating a permanent easement at Jackson Court.

Mr. Papuga was not in favor of this suggestion and should not be recommended. Does not seem to be needed. Access to the trail could be easily made from Hayward St. There were no objections to Mr. Papuga's recommendation.

Inquiry #4 - Improve Trail access by negotiating a permanent easement at the end of Goodrich Court.

Mr. Papuga was not in favor of this suggestion and should not be recommended. Does not seem to be needed. Access to the trail could be easily made along Main St. or via the Senior Center Parking Lot. There were no objections to Mr. Papuga's recommendation.

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Inquiry #5 - Expand the trail along Milford Pond to Plains Park by negotiating a permanent easement with Pine Grove Cemetery.

Mr. Papuga was in favor of this suggestion and recommended further study by a future MUCT Committee. There were no objections to this suggestion and Mr. Papuga's recommendation.

Inquiry #6 – Improve trail access by negotiating a permanent easement at the end of Eugene Circle.

Mr. Papuga was in favor of this suggestion and recommended it should be pursued. Chairman DeLuzio noted that this committee favored this connection in the past but could get nowhere with the property owner. He also noted that if the developer needs a variance or special permit, perhaps an easement could be negotiated. This was the case with Zane Circle where the Planning Board negotiated a permanent easement on the old rail road ROW for the trail. Discussion addressed several issues. Chairman DeLuzio suggested Mr. Papuga get the status of this property from the Town Planner. Mr. Papuga will follow up with the Town Planner.

Inquiry #9 – Request Sacred Heart Church remove the playground fence from town property.

The playground is abandoned. Mr. Papuga was in favor of this suggestion. He reported that Selectman O'Loughlin would support it if someone (*i.e., MUCT Committee*) would bring it to his attention. Mr. Papuga opined that the Select Board would not respond to a request from Mr. Wheelock. Mr. Papuga noted that the fence does not encumber the trail. Chairman DeLuzio thought Mr. Wheelock had brought this issue to the attention of Select Board. Chairman DeLuzio felt it should be a Select Board issue. *[Note: The Diocese of Worcester has a lease on the property which the town can revoke at will]*. Consensus of the Committee was to take no action.

Inquiry #10 – Improve trail access at the rear of the Milford Senior Center.

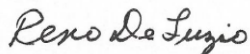
Mr. Papuga noted there is no problem with access and recommend no action be taken. There were no objections to Mr. Papuga's recommendation.

Inquiry #12 – Create new trail Access at Parkhurst St.

[Correction: Mr. Wheelock suggested the existing path from Parkhurst St. to the trail should be improved.] Mr. Papuga reported there is no need for an access to the trail since it is a short walk to the Hayward St. access. He recommended no action be taken. There were no objections to Mr. Papuga's recommendation.

The Committee complimented Mr. Papuga for his excellent report. There was no motion to take these inquiries under advisement.

Meeting was adjourned at 8:19 pm.



Reno DeLuzio, Chairman

Date: 7/8/23

Article 21 Proposed Amendment to General By-Law Article 34 (Chairman Reno DeLuzio's Presentation for the May 22, 2023 Annual Town Meeting)

In accordance with MGL Chapter 85, Section 11B ¾ , a duly noticed public hearing was held on May 9, 2023 for the purpose of establishing By-Laws for the use of Electric Bicycles and imposing a speed limit on the Town of Milford Bicycle Paths and Trails. The Public Hearing Report has been filed with the Town Clerk.

At the request of the Friends of the Milford Upper Charles Trail (a 501c3 organization) the Milford Upper Charles Trail Committee agreed to investigate allowing the use of Electric Bicycles (E-Bikes) on Milford Bicycle Paths, Trails, and Associated Areas.

The Committee's investigation found the following:

- Class 1 and 2 E-bikes Characteristics:
 - Class 1 – motor assisted only when pedaling.
 - Class 2 – motor assisted with or without pedaling.
 - Motor assist stops at 20 mph for both classes.
- A person operating an E-Bike must be at least 16 years of age possessing a valid driver's license or learner's permit.
- E-bikes do not have to be registered in Mass. if they have 2-3 wheels, fully operable pedals, an [electric motor](#) of less than 750 watts, and a maximum speed of 20 mph when powered solely by the motor). Class 1 and 2 satisfy these conditions
- The use of E-Bikes has grown rapidly over the last 5 years.
- Of the 44 States providing information, 30 states (68%) allow the use of E-Bikes on Trails and 14 states (32%) do not. [⚡ Electric Bikes Laws by State \[2023 Update\] \(ebikesx.com\)](#)
- In November 2022 the Mass. Legislature amended MGL Chapter 85, by adding Section 11B ¾ and Chapter 90 Section 1 regulating Electric Bicycles.
- Holliston allows the use of E-bikes on their segment of the Upper Charles Trail.
- E-Bikes have also been observed on the Milford Upper Charles Trail.
- E-Bikes appeal to many types of people:
 - those who use them to overcome limited physical fitness
 - bikers who want to extend their range
 - people running everyday errands who want to carry heavier loads
 - parents transporting children.

It should also be noted that the Milford Upper Charles Trail has two slopes where an E-bike would be helpful. One is behind the Water Dept. on the way to the I-495 off ramp and the other is the approach to Veterans Memorial Drive from Hayward St.

Allowing the use of E-Bikes is supported by the Milford Park Commission, the Planning Board, the Friends of the Milford Upper Charles Trail, and the Massachusetts Bicycle Coalition (MassBike).

There is no denying that we are proposing to add a new element to the Bike Trail that comes with some safety concerns. I met with the Deputy Police Chief who was representing the department. The Police Dept. would prefer E-Bikes not be allowed on the Bike Trail. He cited:

- Difficult to enforce because one cannot distinguish Class 1, Class 2, Class 3 manufacturer's labels at a distance .
- Bikers will alter their bikes for increased speed but will not change the label as required by state statute.
- Easier to exceed the speed limit for a sustained period.
- Enforcement takes personnel away from more important duties.

I do not take issue with any of these concerns. I can only offer the following perspective:

1. Enforcement should be for E-bikers exceeding the speed limit or for reckless behavior, not the type of bike one is riding. For example, if a driver is stopped on a public way, hopefully it is not for the type of vehicle one is driving, it is for exceeding the speed limit or reckless driving.
2. If E-Bikes remain prohibited , Police resources could be requested every time an E-Biker is observed on the Milford Upper Charles Trail even if the motor is shut off. There could be far more calls than for the occasional E-Biker that is observed exceeding the speed limit or reckless behavior.
3. In accordance with our By-Law, E-Bikers would be subject to a fine of \$100 for the first offence and \$200 for each subsequent offence, and may be arrested and be kept in custody, just because they are on an E-Bike.
4. Holliston has 4 years' experience with E-Bikes on their segment of the Upper Charles Trail with no issues.
5. From the Massachusetts Bicycle Coalition (MassBike): At a hearing hosted by the Department of Conservation and Recreation in Brighton, a question asked attendees was "who can go faster than 20MPH under just leg power" -- everyone raised their hand. MassBike does not support the belief that electric bicycles will induce more "reckless" riders than standard bicycles do, and we have seen no empirical data or studies to suggest otherwise.
6. The Upper Charles Trail will hopefully be part of an expanding network of bike trails including the proposed 3,000-mile East Coast Greenway from Maine to the southern tip of Florida. Clearly, more bikers including E-bikers will be showing up at our borders in the future.
7. Finally, 16 years of experience with the Milford Upper Charles Trail has demonstrated that most bikers follow the rules of the road. There is no reason to expect the use of E-Bikes will significantly change this behavior.
8. I would add that if Article 21 is passed, the Trail Rules Signs would need to be changed and additional speed limit signs will be required.

Other Modifications to Milford's By-Law, Article 34:

Article 34 has not been amended since its enactment in 2006 so the Committee took this opportunity to propose other modifications. For Example:

Although posted on the Milford Upper Charles Trail Rules Signs since 2007, the helmet requirement and speed limit were never added to Article 34.

The Rail Trail definition is not needed. Article 34 regulations apply to any bicycle path whether it is constructed over an abandoned railroad Right of Way.

In conclusion, allowing the use of E-Bikes on the Milford Upper Charles Trail would provide more opportunity for utilization of this important well-regulated off-road transportation and recreation corridor and be consistent with the Holliston Upper Charles Trail Segment. I urge you to vote favorably on this article.